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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,254	12/06/2004	Sylvia Futterer	10191/3962	2846
26646	7590	08/22/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/517,254

Applicant(s)

FUTTERER ET AL.

Examiner

Hau V. Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/6/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/6/2004 has been considered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 11-20, the applicant recite a concept of a method for coordinately activating at least two systems of a motor vehicle, but lack of any structures and a connection between each structure to support the concept.

5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**7. Claims 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Folke et al. (6,337,739).**

Folke et al. disclose a method of coordinately activating at least two system of a motor vehicle. The method comprises influencing handling characteristics of the motor vehicle and following an activation sequence of at least one of a chassis control system, a steering system and a braking system. Folke et al. also disclose the method of activating a subsequent system in the sequence so as to occur in at least some of the activations of the systems, as a function of at least one of the activation and an effect on the handling characteristics achieved by the activation of a preceding system in the sequence for controlling the stability of the motor vehicle.

Regarding claim 12, Folke et al. disclose the activation of one of the systems, at least one of the operating state and the system's effect on the handling characteristics achievable by the activation are taken into account.

Regarding claim 13, Folke et al. disclose a deviation between specifiable nominal handling characteristics and current actual handling characteristics, wherein the activation occurs as a function of the determined deviation.

Regarding claim 14, Folke et al. disclose the method of determining a stabilizing variable representing the deviation between specifiable nominal handling characteristics, nominal handling characteristics by a driver command being provided, and current actual handling characteristics and determining a nominal yaw moment as a function of a stabilizing variable. The activation of the systems occurs as a function of a nominal yaw moment.

Regarding claim 15, Folke et al. disclose the activation that is performed so as to reduce the determined deviation to a minimum. The activation occurs so that the minimum is achieved by the activation of a preceding system in the sequence, and wherein in the activation of a system the minimization of the deviation achieved from the activation of preceding systems is taken into account.

Regarding claim 16, Folke et al. disclose the activation of a subsequent system, following an implemented activation of a system, a necessity of an additional activation of a subsequent system is verified.

Regarding claim 17, Folke et al. disclose at least one of the following that is satisfied by activating the chassis control system, a force between the vehicle body and at least one wheel limit is influenced, through an adjustment of at least one of a spring and a damping property, by activating the steering system, a position of at least one steerable wheel of the motor vehicle is influenced, and by activating the braking system, a braking force on at least one of the wheels of the motor vehicle is influenced.

Regarding claim 18, Folke et al. disclose a device for coordinately activating at least two systems of a motor vehicle to control the stability of the vehicle, comprising an

Art Unit: 3618

influencing arrangement to influence handling characteristics of the motor vehicle and follow an activation sequence of at least one of a chassis control system, a steering system, and a braking system, wherein the activation of a subsequent system in the sequence occurs or in the order operations, in at least some of the activations of the systems, as a function of at least one of the activation and an effect on the handling characteristics achieved by the activation of a preceding system in the sequence.

Regarding claim 19, Folke et al. disclose the activation of a system at least one of an operating state and the effect of the system on the handling characteristics achievable by this activation are taken into account.

Regarding claim 20, Folke et al. disclose a first arrangement to determine a deviation between specifiable nominal handling characteristics and current actual handling characteristics, a second arrangement to perform the activation as a function of the determined deviation.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hac discloses a vehicle stability control; Ghoneim et al. disclose an extended brake switch for vehicle stability; Boswell et al. disclose a method for automatically adjusting reference models in vehicle stability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hau V Phan  
Primary Examiner  
Art Unit 3618

*Hau Phan*  
8/16/06